

**REGULAR MEETING**

**MAYOR AND BOARD OF TRUSTEES, VILLAGE OF BURR RIDGE, IL**

**SEPTEMBER 28, 2009**

**CALL TO ORDER** The Regular Meeting of the Mayor and Board of Trustees of September 28, 2009 was held in the Meeting Room of the Village Hall, 7660 County Line Road, Burr Ridge, Illinois and called to order at 7:00 p.m. by Mayor Grasso.

**PLEDGE OF ALLEGIANCE** was conducted by Maggie Vacchiano of Pleasantdale Middle School.

**ROLL CALL** was taken by the Village Clerk and the results denoted the following present: Trustees Sodikoff, Wott, Paveza, Allen, Grela, DeClouette & Mayor Grasso. Also present were Village Administrator Steve Stricker, Community Development Director Doug Pollock, Public Works Director Paul May, Acting Police Chief John Madden, Sgt. Tim Vaclav, Village Clerk Karen Thomas and Village Attorney Terry Barnicle.

There being a quorum, the meeting was open to official business.

**AUDIENCE** There were none at this time.

**CONSENT AGENDA – OMNIBUS VOTE** After reading the Consent Agenda by the President, motion was made by Trustee DeClouette and seconded by Trustee Wott that the Consent Agenda – Omnibus Vote, (attached as Exhibit A), and the recommendations indicated for each respective item, be hereby approved.

On Roll Call, Vote Was:

AYES: 6 – Trustees DeClouette, Wott, Sodikoff, Paveza, Allen & Grela

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

**MINUTES – REGULAR MEETING OF SEPTEMBER 14, 2009** were approved for publication under the Consent Agenda by Omnibus Vote.

**MINUTES – (DRAFT) ECONOMIC DEVELOPMENT COMMITTEE MEETING OF SEPTEMBER 15, 2009** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**MINUTES – (DRAFT) DOWNTOWN EVENTS PLANNING COMMITTEE MEETING OF SEPTEMBER 16, 2009** were noted as received and filed under the Consent Agenda by Omnibus Vote.

Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

**MINUTES – (DRAFT) PLAN COMMISSION MEETING OF SEPTEMBER 21, 2009** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**MINUTES – (DRAFT) VETERANS MEMORIAL COMMITTEE MEETING OF SEPTEMBER 9, 2009** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**MINUTES – (DRAFT) ENVIRONMENTAL QUALITY COMMISSION MEETING OF SEPTEMBER 23, 2009** were noted as received and filed under the Consent Agenda by Omnibus Vote.

**RESOLUTION ACCEPTING SUBDIVISION IMPROVEMENTS FOR THE SHADY OAKS SUBDIVISION** The Board, under the Consent Agenda by Omnibus Vote, adopted the Resolution accepting subdivision improvements for the Shady Oaks subdivision and beginning the two year maintenance period. Shady Oaks is a seven lot subdivision located south of Plainfield between Hillcrest Drive and Shady Lane.  
**THIS IS RESOLUTION NO. R-21-09**

**RESOLUTION GRANTING AN EXTENSION FOR COMPLETION OF SUBDIVISION IMPROVEMENTS AND AUTHORIZING AN AMENDMENT TO SUBDIVISION IMPROVEMENT AGREEMENT FOR MEADOWBROOK PLACE SUBDIVISION** The Board, under the Consent Agenda by Omnibus Vote, adopted the Resolution granting an extension for completion of subdivision improvements for the Meadowbrook Place to September 24, 2010. Meadowbrook Place is a seven lot subdivision on Meadowbrook Drive east of Kingery Highway.  
**THIS IS RESOLUTION NO. R-22-09**

**RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT TO OLD OAK HIGHLANDS SUBDIVISION IMPROVEMENT COMPLETION AGREEMENT** The Board, under the Consent Agenda by Omnibus Vote, adopted the Resolution authorizing execution of an amendment to Old Oak Highlands Subdivision Improvement Completion Agreement, transferring maintenance responsibility to the new owner for the duration of the subdivision maintenance period as well as authorizing the transfer of the Letter of Credit to the new owner.  
**THIS IS RESOLUTION NO. R-23-09**

**RECOMMENDATION TO APPROVE SPECIAL USE TO ACCOMMODATE CONSTRUCTION OF ADDITIONAL SURFACE PARKING SPACES ALONG THE ENTRYWAY DRIVE (Z-12-2009: 6101 COUNTY LINE ROAD – KING-BRUWAERT HOUSE)** The Board, under the Consent Agenda by Omnibus Vote, accepted the Plan Commission recommendation and directed the preparation of an Ordinance amending the King Bruwaert House Planned Unit Development (PUD) to accommodate the construction of additional surface parking spaces along the entryway drive in front of the principal building at 6101 County Line Road.



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

**RECOMMENDATION TO APPROVE REPLACEMENT SUBDIVISION SIGN (PC 10-2009: CAMBRIDGE ESTATES)** The Board, under the Consent Agenda by Omnibus Vote, accepted Plan Commission recommendation for approval of a replacement subdivision entryway sign for Cambridge Estates, 8300 Madison Street.

**RECOMMENDATION TO EXTEND CONTRACT FOR JANITORIAL SERVICES** The Board, under the Consent Agenda by Omnibus Vote, extended the contract for janitorial services to Best Quality Cleaning, Inc. through October 2010 at a cost of \$15,840 per year.

**RECOMMENDATION TO AWARD CONTRACT FOR FALL BRUSH PICK-UP** The Board, under the Consent Agenda by Omnibus Vote, awarded the contract for the spring curbside brush chipping to Winkler's Tree Service at a rate of \$93.74 per hour, for a total not to exceed \$15,000.

**RECOMMENDATION TO EXTEND CONTRACT FOR UNIFORM SERVICE** The Board, under the Consent Agenda by Omnibus Vote, extended the contract for uniform service to Breen's Uniform Company through September 2014 at no cost increase.

**PROCLAMATION DESIGNATING OCTOBER 7, 2009 AS WALK OUR CHILDREN TO SCHOOL DAY** The Board, under the Consent Agenda by Omnibus Vote, proclaimed October 7, 2009 as International Walk to School Day, as requested by Elementary School District 181.

**PROCLAMATION OF RED RIBBON WEEK** The Board, under the Consent Agenda by Omnibus Vote, proclaimed Red Ribbon Week October 23-30, 2009, as requested by the Burr Ridge Police Department.

**VOUCHERS** in the amount of \$348,222.48 for the period ending September 28, 2009 and payroll in the amount of \$196,933.23 for the period ending September 19, 2009 were approved for payment under the Consent Agenda by Omnibus Vote.

**ORDINANCE AMENDING CHAPTER 56 OF THE BURR RIDGE MUNICIPAL CODE  
RELATIVE TO SOLICITORS WITHIN THE VILLAGE**

Village Administrator Steve Stricker said that based on the comments received by the Board at the August 24 meeting and further review by the Acting Police Chief, the proposed Solicitation Ordinance has been revised to require individuals conducting charitable solicitation on the public rights-of-way to only possess a copy of the approved application permit while conducting the solicitation and not credentialing every person, due to the expense and time creating the credentials. The requirements for charitable solicitors to require the list of names and addresses of all persons who engage in the solicitation on public rights-of-way has also been deleted. He continued that in order to address concerns raised by the Board at the previous meeting regarding regulation of



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

persons who fall outside the definition of solicitors, a definition has been added concerning canvassing and has subjected such persons to certain requirements such as time and day limitations. People going door to door will have to be registered with the Village and have an I.D. card credentialed by the police department; a background check will also be done.

Motion was made by Trustee Paveza and seconded by Trustee Grela to approve the Ordinance as presented.

On Roll Call, Vote Was:

AYES: 6 – Trustees Paveza, Grela, DeClouette, Sodikoff, Wott & Allen

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

**THIS IS ORDINANCE NO. A-558-01-09**

**RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE ENGINEER  
TO EXECUTE A LETTER DRAWING ON THE LETTER OF CREDIT FOR THE STONE  
CREEK SUBDIVISION**

Doug Pollock, Community Development Director said at the last meeting, the Board gave direction to prepare a Resolution either accepting the improvements for the Stone Creek Subdivision, if finished, or if not, to draw on the letter of credit for the Village to complete the improvements. Stone Creek is a five lot subdivision on the corner of 91<sup>st</sup> and County Line Road. The Developer has completed the subdivision improvements with one exception; the installation of the required BMP device – a sediment trap. The Developer contends that the BMP should not be installed due to the small size of the subdivision and is asking the Village to waive the installation. Staff is recommending it be installed, that it is necessary and was shown on the engineering plans and included in the original approval.

Paul May, Village Engineer, clarified that the BMP (Best Management Practice) device would be on the storm sewer system and is required by Village code. DuPage County has enacted a BMP ordinance which requires developments in DuPage County and municipalities that adopt that ordinance to require it of developers. The Burr Ridge Stormwater Committee spent a lot of time on opting to only use manufactured BMPs. A manufactured BMP is simply installed in the ground and it needs to be pumped out periodically which the Village can do with their equipment. The device that was proposed is no longer available.

Mr. May continued that he is familiar with a variety of alternatives and provided the developer's engineer with at least two or three that would work. An adequate replacement would be in the \$6,000-\$8,000 range or less. In this case, a relatively small structure will suffice. Mr. May stated that there have been no exceptions made for other developments.



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

Dan Regan, Regan Land Corp., Developer, said he feels there is another way to meet the codes and that is to have the water go through the structure there now, come out and then go through "some large gravel" so the water would trickle in there and be caught. That would cover the national code and the county code. The structure being asked for would stop everything that there is but there was a mistake and it wasn't installed according to the plan. Several different methods have been proposed in discussions with staff.

Mr. Regan said that 95% of the water is from overland grass, driveways and rooftops so there is only a small part – about a 200 foot piece of roadway (91<sup>st</sup> Street) – that would drain into this. His engineer's estimate was \$15,000 and that is a lot in today's economy for that little bit of sediment. Mr. Regan said he is just looking for a reasonable solution to a problem that he does not think the Stormwater Committee anticipated when passing the Ordinance.

Mayor Grasso asked if Mr. Regan's alternative plan would be in compliance with the County ordinance?

Mr. May said that, in his opinion, he does not believe the County would consider that an adequate function and this is a wetland so he is relatively certain they will not approve placing gravel in the wetland. DuPage County is very rigorous in their enforcement of the wetlands ordinance. That is an erosion control measure, not really intended to catch dirt in the water that is coming out.

Trustee Wott spoke as chairperson of the Stormwater Management Committee indicating this issue was studied at great length and worked out in an ordinance. The BMP is sized proportionately to the development. The Committee felt very strongly about implementing this and thought it should have been implemented 20 years ago and the Village would not be having all of these issues with all of the silt build-up in the ponds.

Trustee Allen commented that the real issue is the five people who purchase the homes. What will they do as time goes on? They need to be saved from having to deal with the silt that builds up. BMPs have been put into ponds owned by the Village where they were trying to cut down on new sediment build-up.

Trustee Sodikoff said the Village staff and committees are recommending this is what should be in place. If the County allows it, will they be there in five years if there is a problem – no, it becomes a Village problem. Why should the residents assume the risk? If this is done, then the Board is saying whenever there is a tough ordinance, it won't be imposed if there is an economic problem.

Trustee Sodikoff suggested that staff work with the applicant and see if the cost comes in under \$10,000. If it does then it should be done. If it's more than that, it's something to consider.

Mayor Grasso suggested that this item be continued to the October 12 meeting.

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Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

There was a brief discussion regarding the draw on the Letter of Credit and the need to draw on the entire amount when there is only one item left.

Motion was made by Trustee Wott and seconded by Trustee Allen to continue the item until the next Board meeting October 12.

On Voice Vote, the motion carried.

**RECOMMENDATION TO EXTEND THE SUBDIVISION IMPROVEMENT PERIOD FOR THE HERITAGE ESTATES SUBDIVISION**

Mr. Pollock explained that Heritage Estates is a three lot subdivision at 77<sup>th</sup> and Wolf Road. The subdivision improvements are substantially complete, the deadline was September 24. Prior to that, the developer submitted a request for a two month extension. There is mostly punchlist type work left, which the developer intends to complete in the next 60 days. If the Village draws on the letter of credit, the work would probably not be done until Spring. The Developer has agreed to pay the required extension fee.

Dorothy Jarog stated that their letter indicates the end of November and she is not sure the end of the year will make a difference. She asked about the installation of the sidewalk along 77<sup>th</sup> St. They feel it is pointless to do the sidewalk (which is on the punchlist) right now and then have the houses built, destroying the sidewalks only for them to be done again.

Mr. Pollock stated that staff will look into the matter.

Mr. May indicated he preferred the deadline go until the end of December.

Motion was made by Trustee Paveza and seconded by Trustee Wott to accept the recommendation to extend the subdivision improvement period for the Heritage Estates Subdivision to December 31, 2009.

On Voice Vote, the motion carried.

**RECOMMENDATION TO PERMIT ACCESSORY RETAIL MANAGEMENT OFFICE IN B-1 DISTRICT (COUNTY LINE SQUARE)**

Mr. Pollock said the owner of County Line Square submitted a zoning certificate of occupancy to open an office in County Line Square. Offices are not a permitted use in the B-1 District. Staff was informed that the office would be limited to the retail management of County Line Square. Initial concern was that the Owner also owns a construction company and clearly an office for such would not be permitted in a retail district. Given the fact that an office is not listed in the B-1 District, the Plan Commission was asked if the proposed office fit under the category of accessory uses,



Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

customarily incidental to permitted uses. The Plan Commission had some concerns about non-retail management activity but were satisfied with the testimony of the property owner and agreed that a retail management office on site should be a permitted use in the B-1 District.

Mr. Pollock continued that out of concern for precedent it was noted that the proposed office is only 1-2% of the floor area and would not be considered an accessory if it were substantially larger. Also, the activities in the office had to be primarily retail management for County Line Square, not for other properties and not for a construction office.

In answer to Trustee Allen, Mr. Pollock said the Opus management office is not a storefront, this would be. The Opus management office was opened before the recent change in the zoning ordinance that reclassified offices but nonetheless the Plan Commission would agree that Opus' retail management office qualified the same way as they are considering this.

Trustee Grela expressed his concern that enforcement is impossible. The office should be solely for the management of the retail function. If this is granted, when the manager chooses to cease the operation there then the office has to cease from being an office. Does the Village have staff to monitor a particular use to be sure it is being used as promised?

Mayor Grasso agreed there would be no way to monitor this. Mr. Garber runs a number of properties. There has not been cooperation from him on things in the past; now he wants a favor. Why all of a sudden does he need this office when he has been operating there for years?

Mike Garber of Garber Development said they are looking to basically consolidate. They are spending a lot of money at their Hinsdale office and they think it will be financially better there. It will not be construction; only for office management, for retail.

When asked about the use of the office space, Mr. Garber stated that they will be using the office only to manage County Line Square.

When asked about the use of the word consolidation, Mr. Garber said he felt they could have better management by staying in County Line Square and basically managing from there. They are not looking to manage a number of properties from that one spot.

Trustee Sodikoff asked why there is opposition to a property manager having an on-site facility for the retail operations that he owns.

Trustee Grela stated his point is that if that were the sole purpose – if this were just the particular property that was the sole business that this particular company has, it would be viewed differently.

Trustee Sodikoff commented that if the ordinance was changed to “sole” use or whatever terminology, why is that objectionable?

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Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

Trustee Grela answered because there is no way for staff to monitor it.

In answer to Steve Stricker, Mr. Garber said that he was not positive but they may have around 1,500 square feet and 5 or 6 employees.

Trustee Paveza agreed with Trustee Sodikoff that making it “solely” for that purpose, would be a way of handling the situation. Why can’t the man who owns the shopping center, have an office in there?

Mayor Grasso asked how it would be monitored. He continued that Mr. Garber indicated they are consolidating their business from Hinsdale to Burr Ridge, in 1,500 sq. ft. with about 6 employees. That is not to run just County Line Square.

Plan Commissioner Mike Stratis said he feels there are two issues. Are they really going to use it the way they say? The entitlement issue and the question of zoning is separate. It is very common that a shopping center of this size has an on-site management office. It is not unusual that they are asking for it. They are putting it in a “nook” of the center and not taking a prime end cap. Commissioner Manieri was very concerned about them taking a prime door front that might be a sales tax generator. How can you monitor what they are doing and enforce it? At some point, you have to take applicants at their word. Mr. Stratis said he does not have any perspective on the Village’s history with this applicant and County Line Square.

Mr. Stratis continued that in their hearing the applicant did say that the construction division would be at another facility (not necessarily Hinsdale but not here) and no management of other properties from this location.

Mr. Pollock said from his experience, typically offices don’t occupy store fronts. If they take 500 or 1,000 square feet it is behind another store, much like Opus does at the Village Center

Mayor Grasso asked what kind of store could be put in 1500 square feet – Subway Sandwich Shop. He said once it’s taken, there will not be any sales tax there. Why should the Village do that?

Mr. Pollock said the Board is being asked to determine that what they are proposing is an accessory to a shopping center. There are a lot of different ways to define accessories; size, function and location. Perhaps the finding is that if they are not in a storefront and they are small and they meet all of those things, then they are an accessory. But when they occupy a storefront they become just like any other tenant and no longer an accessory. Maybe that is the distinction we are all struggling with.

Mayor Grasso said he would like to look at alternatives to come up with something that would give them a small amount of space appropriate for two employees.

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Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

Trustee Sodikoff agrees that it may be in the best interest of the Village to have a small amount of space because it's good to have management on-site. Second, maybe have an agreement of a tax in lieu where they pay something that is equivalent to the sales tax that the Village anticipates could be generated from the facility and pay it for a number of years.

Mr. Stricker reminded the Board that Mr. Garber owes the Village for the improvements to the intersection.

Motion was made by Trustee Paveza and seconded by Trustee Allen to continue this item.

On Voice Vote, the motion carried.

### **OTHER CONSIDERATIONS**

Mayor Grasso stated per his request he has received a memo from the Acting Police Chief regarding legalized video gaming from the perspective of the Police Department. He emphasized that there is nothing on the agenda; he is just gathering information at this point. He asked the audience for their comments regarding the proposed Video Gaming Act.

Trustee Allen asked, regarding past discussions regarding libraries – has staff met with the people at the library recently or have they ever come to present a case as to why Village residents should go to this library.

In answer to Trustee Allen, Mayor Grasso said when he was elected, one of the first things he did was to set up a meeting with the officials at Indian Prairie Library. They discussed having a satellite in Burr Ridge but it just did not make economic sense, and that was in good times. What the taxpayers would be charged compared to what they could pay for a membership at Indian Prairie or Hinsdale, or wherever they wanted to go, it was a dramatic difference.

Trustee Allen said if that many residents are raising the issue, the viable alternative of memberships should be presented to them and more widely promoted.

Trustee Wott reminded everyone about the Farmer's Market which is held on Thursday 8 a.m. – 1 p.m. through October 15. She also commended the staff and wants it publicized about the grant money the Village has been receiving for the sidewalks and the roads.

Mr. Stricker said kudos to Paul May especially. There was some stimulus money and the Village jumped through hoops to even stay on the "B" list and it came through. The other grant was received through State Rep. Durkin.

Mayor Grasso mentioned the great turnout for Harvest Fest.

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Regular Meeting  
Mayor and Board of Trustees, Village of Burr Ridge  
September 28, 2009

**AUDIENCE** There was none at this time.

**REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS**

**ADJOURNMENT** Motion was made by Trustee Sodikoff and seconded by Trustee Grela that the Regular Meeting of September 28, 2009 be adjourned to Closed Session to discuss approval of Closed Session Minutes of September 14, 2009 and pending litigation.

On Roll Call, Vote Was:

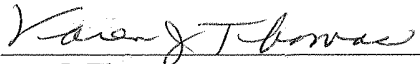
AYES: 6 – Trustees Sodikoff, Grela, DeClouette, Wott, Paveza & Allen

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried and the meeting was adjourned at 8:21 p.m. to Closed Session.

PLEASE NOTE: Where there is no summary of discussion on any items in the minutes, this reflects that no discussion occurred other than the introduction of the item.

  
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Karen J. Thomas  
Village Clerk  
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 12<sup>th</sup> day of October, 2009.



**RECONVENED REGULAR MEETING**

**MAYOR AND BOARD OF TRUSTEES, VILLAGE OF BURR RIDGE, IL.**

**September 28, 2009**

**CALL TO ORDER** The Regular Meeting of the Mayor and Board of Trustees of September 28, 2009 was reconvened at 8:30 p.m. with the same Trustees in attendance as immediately preceding the Closed Meeting from 8:20 p.m. to 8:30 p.m.

**RECONVENE REGULAR MEETING** Motion was made by Trustee Wott and seconded by Trustee Allen that the Regular Meeting of September 28, 2009 be reconvened.

On Roll Call, Vote Was:

AYES 6 – Trustees Wott, Allen, Paveza, Sodikoff, Grela & DeClouette

NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried.

The Village Board discussed the issue of Video Gaming and the concerns the Board had in regard to this new law. It was suggested that a survey go out to liquor business establishments to determine their level of interest and that the issue should be discussed at the next Board Meeting.

**ADJOURN REGULAR MEETING** Motion was made by Trustee Paveza and seconded by Trustee Wott that the Regular Meeting of September 28, 2009 be adjourned.

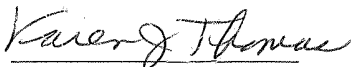
On Roll Call, Vote Was:

AYES 6 – Trustees Paveza, Wott, Sodikoff, DeClouette, Grela & Allen

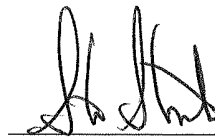
NAYS: 0 – None

ABSENT: 0 – None

There being six affirmative votes, the motion carried and the Regular Meeting of September 28, 2009 was adjourned at 8:35 p.m.



Karen J. Thomas  
Village Clerk  
Burr Ridge, Illinois



Steven S. Stricker  
Village Clerk Pro-Tempore  
Burr Ridge, Illinois

APPROVED BY the President and Board of Trustees this 12<sup>th</sup> day of October, 2009.

